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 North Side Canal Company, and Twin Falls Canal Company

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase Nos. 01-00217, 01-00218,
	)	01-04024, and 01-04025
Case No. 39576	)	(Minidoka Power Right)
	)	
	)	Subcase Nos. 01-02068 and 01-04054
	)	(Palisades Power Rights)
	)	
	)	<u>AMENDED NOTICE OF TAKING</u>
	)	DEPOSITION OF LYLE SWANK,
	)	WATER MASTER DISTRICT 1

TO: LYLE SWANK, WATER MASTER DISTRICT 1

PLEASE TAKE NOTICE that the A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company, by and through their counsel of record, John K. Simpson of Barker Rosholt & Simpson, LLP, pursuant to Idaho Rules of Civil Procedure 26 and 30(a), will take the testimony on oral examination of **LYLE SWANK, WATER MASTER DISTRICT 1** before a duly authorized court reporter and Notary Public. Examination will commence at **3:00 p.m. on Thursday, October 22, 2009**, at the law offices of Barker, Rosholt, and Simpson, 1010 W. Jefferson, Suite 102, Boise, Idaho

Amended Notice of Deposition of Lyle Swank - 1

83702. Said oral examination will continue from day to day until completed, excluding weekends and designated Court holidays.

Pursuant to Rule 30(b)(1) of the Idaho Rules of Civil Procedure, the deponent is required to bring to the deposition the following items and documents:

1. Believed by the deponent to support the remark promulgated by the Water Master's Recommendation in these cases.
2. Believed by the deponent to support the remark promulgated by Water District 1 in these recommendations.
3. Believed by the deponent to support authority of Water Master or Water District 1 to show necessity of any remark in these cases.
4. Believed by the deponent to reflect or explain the effect of the remarks promulgated by the Water Master's Recommendation and by the remark promulgated by Water District 1.
5. Believed by the deponent to support authority of Water Master or Water District 1 to deviate from the Eagle Decree and its incorporated exhibits in administration of these water rights.
6. Believed by the deponent to reflect or explain how the Department of Water Resources determines what portions of what decrees are incorporated in the Water District 1 accounting program.
7. Believed by the deponent to reflect the means of determining how water addressed in the Eagle Decree is allocated.
8. The effect of both proposed remarks.
9. The effect of the Eagle Decree.

This deposition shall be taken pursuant to the Idaho Rules of Civil Procedure.

By order of the court.

DATED: This 21st day of October, 2009.

BARKER ROSHOLT & SIMPSON LLP



John K. Simpson
Attorney for *A&B Irrigation District, Burley
Irrigation District, Milner Irrigation
District, North Side Canal Company, and
Twin Falls Canal Company*

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of October, 2009, I served a true and correct copy of the foregoing *Notice of Taking Deposition of Lyle Swank, Water Master District 1* on the person(s) listed below by the methods indicated:

James C. Tucker Idaho Power Co. PO Box 70 Boise, Idaho 83707	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile: (208) 388-6935 ☒ Email: jamestucker@idahopower.com
Jim Lochhead Brownstein Hyatt ET AL 410 17 th Street, Ste 2200 Denver, CO 80202	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile: (970) 945-4921 ☒ Email: jlochhead@bhfs.com
C. Thomas Arkoosh 301 Main St. PO Box 32 Gooding, Idaho 83330	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile: (208) 424-8874 ☒ Email: tarkoosh@capitolawgroup.net
Candice McHugh 201 E. Center, Ste A2 PO Box 1391 Pocatello, Idaho 83204-1391	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile: (208) 433-0167 ☒ Email: cmm@racinelaw.net
Josephine P. Beeman 409 W. Jefferson St. Boise, Idaho 83702	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile: (208) 331-0954 ☒ Email: jo.beeman@beemanlaw.com

Sarah A. Klahn White & Jankowski LLP Kittredge Building 511 16 th St., Ste 500 Denver, CO 80202	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile: (303) 825-5632 ☒ Email: sarahk@white-jankowski.com
Roger D. Ling 615 H. St. PO Box 396 Rupert, Idaho 83350-0396	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile: (208) 436-6804 ☒ Email: rdl@idlawfirm.com
Jerry R. Rigby 25 N 2 nd E PO Box 250 Rexburg, Idaho 83440-0250	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile: (208) 356-0768 ☒ Email: jrigby@rex-law.com
US Department of Justice Environment & Natural Resources 550 West Fort Street, MSC 033 Boise, Idaho 83724	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile: (303)-844-1350 ☒ Email: David.Gehlert@usdoj.gov
United States of America Regional Director PN Region Bureau of Reclamation PN-3100 1150 N Curtis Rd., Ste. 100 Boise, Idaho 83706-1234	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☒ Facsimile: (208) 378-5129 ☐ Email
IDWR Document Depository PO Box 83720 Boise, Idaho 83720-0098	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☒ Facsimile: (208) 287-6700 ☐ Email
David Stanish, Deputy Attorney General State of Idaho, Office of Attorney General 700 W. Jefferson Street, Rm 210 PO Box 83720 Boise, ID 83720-0010	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☒ Facsimile: (208) 854-8072 ☐ Email


John K. Simpson